



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
(Implements RCW 34.05.350)

**Agency:** Department of Social and Health Services, Aging and Long-Term Support Administration

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- ☒ Immediately upon filing.  
☐ Later (specify)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- ☐ Yes ☒ No If Yes, explain:

**Purpose:**

The Department is amending WAC 388-107-0001, 0020, 0080, 0100, 0110, 0120, 0130, 0140, 0150, 0160, 0180, 0190, 0200, 0210, 0240, 0280, 0370, 0390, 0400, 0410, 0420, 0430, 0560, 0770, 0810, 0830, 0890, 0940, 0960, 1000, and 1190 in order to address Center for Medicare/Medicaid Services (CMS) Home and Community Based Services (HCBS) and stakeholder concerns with implementation of the requirements stated therein.

**Citation of existing rules affected by this order:**

Repealed: WAC 388-107-0930

Amended: WAC 388-107-0001, 0020, 0080, 0100, 0110, 0120, 0130, 0140, 0150, 0160, 0180, 0190, 0200, 0210, 0240, 0280, 0370, 0390, 0400, 0410, 0420, 0430, 0560, 0770, 0810, 0830, 0890, 0940, 0960, 1000, and 1190.

Suspended: None

**Statutory authority for adoption:** RCW 70.97.230

**Other authority:** N/A

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☒ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- ☐ That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: See Attachment A.

Initial public notice (CR-101) was filed under WSR 15-1-041.

Efforts to adopt the permanent rule will continue by responding to stakeholder comments after the public hearing and comment deadline. Public hearing is scheduled for 01/26/16 and final rule filing (CR-103) is anticipated to be completed so that permanent rules will be in effect in February 2016.

**Date adopted:**

December 16, 2015

**NAME (TYPE OR PRINT)**

Katherine Vasquez

**SIGNATURE**

**TITLE**

DSHS Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: December 22, 2015**

**TIME: 8:57 AM**

**WSR 16-01-160**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>1</u>	Amended	<u>31</u>	Repealed	<u>1</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>1</u>	Amended	<u>31</u>	Repealed	<u>1</u>